

***NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE 30-113
DECEMBER 8, 2003***

Administration and Operations

***DELEGATION OF AUTHORITY FOR EXEMPTED FISHING PERMITS, RELATED
SCIENTIFIC RESEARCH PERMITS AND RELATED FINANCIAL ASSISTANCE***

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
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THE DIRECTOR

DEC - 8 2003

MEMORANDUM FOR: Regional Administrators and Science Center Directors

FROM: *William T. Hogarth*
William T. Hogarth, Ph.D.

SUBJECT: Delegation of Responsible Program Manager Responsibilities
Applicable to the Approval of Exempted Fishing Permits, Related
Scientific Research Permits, and Related Financial Assistance

As you are aware, one of the objectives of the Regulatory Streamlining Project is to reduce the number of reviews and clearances conducted in headquarters for regional office initiated actions. The purpose of this memorandum is to accommodate that objective with respect to the review and approval of exempted fishing activities.

A. Delegation

Under the provision of Section 2.02b.1. of NOAA Administrative Order 216-6 entitled, Environmental Review Procedures For Implementing The National Environmental Policy Act (NEPA), I delegate to Regional Administrators (RA) the Responsible Program Manager's (RPM) responsibilities applicable to the approval of exempted fishing permits as well as those related actions identified below in this memorandum. The result of this delegation is that RAs must now coordinate directly with the NOAA NEPA Coordinator in order to obtain the latter's concurrence on affected NEPA documents. The concurrence of the NOAA NEPA Coordinator is specifically required for all environmental assessments (EA) and environmental impact statements (EIS). Consequently, the NEPA documents needing such concurrence will no longer be processed through SF or F before reaching the NOAA NEPA Coordinator.

B. Scope and Controls

1. Scope. This delegation applies to the following three classes of major federal actions: (1) exempted fishing permits, (2) any related scientific research permits, and (3) if applicable, any related financial assistance to be provided to a proposed permittee(s). The delegation applies to the preparation of categorical exclusion memoranda, EAs, EISs, and supplements to either an EA or an EIS. As an exception, the delegation does not apply to the preparation of a programmatic EIS, given the complexity and uniqueness of this type of EIS. The delegation is limited to the position of RA and cannot be re-delegated. Any person officially acting for the RA has the authority to use the delegation. Finally, scientific research permits and any related financial assistance, if either or both are processed by a Science Center, are not covered under this delegation unless the RA is identified as the RPM for these actions in a cooperating agreement between the RA and the Science Director.



2. Controls

a. **Categorical Exclusion Memoranda.** For monitoring purposes, RAs are currently required to provide quarterly to F and the NOAA NEPA Coordinator a copy of each categorical exclusion memorandum executed during the quarter. Additionally, this delegation includes the requirement that the Regional NEPA Coordinator provide written review and comment on each proposed categorical exclusion. The RA, as the RPM, is responsible for resolving any disagreements between regional staff on either the content of the categorical exclusion memorandum or the required level of NEPA documentation.

b. **Environmental Assessments.** Prior to their completion, all EAs are currently reviewed by both the General Counsel and the NOAA NEPA Coordinator, with the latter having specific concurrence authority. Additionally, this delegation includes the requirement that the Regional NEPA Coordinator provide written review and comment on all EAs prior to their transmittal by the RA to the NOAA NEPA Coordinator. The RA, as the RPM, is responsible for resolving any disagreements between regional staff on either the content of the EA or the required level of NEPA documentation.

c. **Environmental Impact Statements.** The same controls stated immediately above for EAs shall apply to the preparation and review of EISs.

Finally, this delegation must be implemented consistently with another important objective, frontloading the completion of our NEPA analyses into our decision-making processes. RAs need to ensure that regional office staff with direct responsibilities for processing the actions covered by this delegation initiate the appropriate NEPA review early and coordinate early with affected regional office staff, legal staff, and the NOAA NEPA Coordinator in both issue identification and resolution.

Please contact John Hansel on 301-713-2239 if you have any questions regarding this delegation.

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